

January 30, 1933

Mr. Ralph H. Zimmerman,
Principal,
Patagonia Union High School,
Patagonia, Arizona.

My dear Mr. Zimmerman:

This will acknowledge receipt of your letter of January 18th, propounding the following question:

Can the Patagonia Union High School collect tuition from the Campini School District No. 2, Cochise County, for three students whose parents are residents of the said Campini School District No. 2?

I have read the opinion referred to by you, appearing on page 235 of the School Laws of Arizona, 1931. The question propounded by the Pantano District, referred to in the opinion above mentioned, was to determine whether or not it could legally pay tuition to the Benson Union High School (the Pantano District being located in Pima County -- the Benson Union High School being located in Cochise County).

I believe that the opinion referred to is a fair interpretation of our statutes, and a reasonable one applied to your case. I am of the opinion that the Campini District No. 2 could legally expend moneys to pay any tuition required by the Patagonia Union High School. The Campini pupils are entitled to the State apportionment and the Cochise County apportionment. The school trustees of Campini District can use any moneys received on this apportionment to pay the tuition required by the Patagonia Union High School.

I am of the opinion that the Patagonia Union High School is not compelled to receive these students. If it does voluntarily receive these pupils, there is no provision in our law whereby the tuition charged can be fixed as a legal charge against the Campini District. In other words, the Campini District could not be forced to pay the tuition.

I am of the opinion that a high school student, living in a district having no high school or school wherein high school subjects are taught, may attend any high school in the County of his own choosing. The trustees of the common

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school district where such student resides cannot dictate or compel such student to attend any particular high school.

I am herewith returning the correspondence forwarded by you.

Very truly yours,

Attorney General.

ATL:MD

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